

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

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| DEPARTMENTAL REGULATION | | Number: 1043-028 |
| SUBJECT: National Advisory Committee on Microbiological Criteria for Foods | DATE | NOV 1 2010 |
| | OPI: Food Safety and Inspection Service | |

1. PURPOSE

The Secretary of Agriculture, after consultation with the Secretary of Health and Human Services on the need for a joint U. S. Department of Agriculture (USDA) and U. S. Department of Health and Human Services (HHS) advisory committee, hereby reestablishes the National Advisory Committee on Microbiological Criteria for Foods. The Committee was initially established by the Secretary of Agriculture on March 18, 1988.

2. SPECIAL INSTRUCTIONS/CANCELLATION

- a. Departmental Regulation Number 1043-28 dated June 5, 2008, is hereby superseded. This regulation will expire 2 years from the date of filing.
- b. This document will also serve as the charter for the National Advisory Committee on Microbiological Criteria for Foods.

3. AUTHORITY

The Committee is established by the Secretary of the Department of Agriculture in accordance with the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App.2.

4. OBJECTIVES AND SCOPE

The purpose of the Committee is to provide impartial, scientific advice to federal food safety agencies for use in the development of an integrated national food safety systems approach from farm to final consumption to assure the safety of domestic, imported, and exported foods.

5. DUTIES

The duties of the Committee are solely advisory in nature.

6. OFFICIALS TO WHOM THE COMMITTEE REPORTS

The Committee reports to the Secretary of Agriculture through the Under Secretary for Food Safety and to the Secretary of Health and Human Services through the Assistant Secretary for Health.

7. SUPPORT

The United States Department of Agriculture, Food Safety and Inspection Service will provide support for the Committee.

8. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

The estimated operating costs are \$160,000 and 2 full time equivalent staff years. Committee members serve without compensation, but may be reimbursed for travel expenses and per diem for attendance at Board functions.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The Committee will meet approximately one or more times annually. All meetings will be open to the public.

10. DURATION AND TERMINATION

The need for advice from the Committee is on a continuing basis. The Committee will be in effect for 2 years from the filing date of the charter.

11. MEMBERSHIP AND DESIGNATION

- a. The Committee shall consist of no more than 30 people appointed by the Secretary of Agriculture after consultation with Secretary of Health and Human Services. The Secretary may consult other Federal agencies such as the Centers for Disease Control, the Department of Commerce, National Marine Fisheries Service, and the United States Department of Defense regarding appointments.
- b. Members to the Board will be chosen because of their expertise in microbiology, risk assessment, epidemiology, public health, food science and other relevant disciplines. One individual affiliated with a consumer group will be included in the membership of the Board. Members will serve at the discretion of the Secretary.
- c. Non-federal Government employee members chosen based upon their expertise will be appointed as non-salaried special Government employees. The individual affiliated with a consumer group serves the Board in a representational capacity.
- d. Equal opportunity practices, consistent with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

12. SUBCOMMITTEES

The Committee Chairperson may, with the consent of the Designated Federal Official, establish subcommittees, as necessary and consistent with this charter. Such subcommittees or working groups shall not work independently of the chartered Committee and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees and working groups have no authority to make decisions on behalf of the chartered Committee, nor can they report directly to USDA or any Federal officer or employee.

13. RECORDKEEPING

The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2 or approved USDA agency records disposition schedules. These records shall be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C. 552.